

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9: -

ZOOM INFORMATION

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1602159253>

ZoomGov meeting number: 160 215 9253

Password: 763902

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

For more information on appearing before Judge Saltzman by ZoomGov, please see the information entitled "Tips for a Successful ZoomGov Court Experience" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-deborah-j-saltzman> under the tab "Telephonic Instructions."

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:18-10728 Michael Del Dosso and Helen Del Dosso

Chapter 13

#1.00 CONT'D Hearing

RE: [52] Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Jeep Wrangler Unli VIN No.1C4BJWDGXDL674399 . (Arnold, Jenelle)

FR. 8-10-21, 9-14-21,10-26-21, 11-30-21, 12-21-21

Docket 52

Tentative Ruling:

Please update the court.

Party Information

Debtor(s):

Michael Del Dosso

Represented By
Todd J Mannis

Joint Debtor(s):

Helen Del Dosso

Represented By
Todd J Mannis

Movant(s):

Ally Financial

Represented By
Jenelle C Arnold
Joseph C Delmotte

Trustee(s):

Elizabeth (ND) F Rojas (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:20-11072 Valley Farm Supply, Inc.

Chapter 7

#2.00 CONT'D Hearing on Disclosure Statement Describing Chapter 11 Plan; Filed by Debtor Valley Farm Supply, Inc.

FR. 10-5-21

Docket 304

***** VACATED *** REASON: Case converted to Chapter 7**

Tentative Ruling:

It is clear -- and acknowledged by the Debtor -- that the disclosure statement needs to be amended. How long is needed? Are there any disputes regarding what information must be included?

Confirmation objections will be preserved.

Continue for an amended disclosure statement.

Party Information

Debtor(s):

Valley Farm Supply, Inc.

Represented By
William C Beall
Carissa N Horowitz

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:17-11363 Rajysan, Inc.

Chapter 11

#3.00 HearingRE: [648] Stipulation By Sandra McBeth (TR) and the Official Committee of Unsecured Creditors of Rajysan, Inc. dba MMD Equipment (Debtor) with Respect to Standing and Authority of Official Committee of Unsecured Creditors to Control Privileges and Related Confidentiality Rights (with proof of service) (Yoo, Timothy)

Docket 648

Tentative Ruling:

The court is not going to approve this stipulation (the "Amendment Stipulation, Docket No. 648).

The recitals of the Standing Stipulation state that it was entered into to permit the Committee to prosecute claims of the estate against the Insider Defendants and third parties due "to avoid any conflict or appearance of impropriety." At the time, the Insider Defendants were in control of the Debtor, and the court had recently decided not to convert the case based on Gurmeet Sahani's claims about the Insider Defendants. At the time the motion to convert was briefed, it was already contemplated that the Committee would investigate possible claims against the Insider Defendants and prosecute them upon request. (Committee opposition to motion to convert, Docket No. 125, 5:27-6:6; 14:4-5). ABG's retention as special counsel was before the court at the same time.

There is nothing relevant to the matter currently before the court that has changed since early 2018. At the time the parties entered into the Standing Stipulation, the issues of potential claims of the Debtor against the Insider Defendants were well known, and ABG was being retained to represent the Debtor in the State Court Action. The Committee and the Trustee offer no explanation of why the Standing Stipulation alone is insufficient to grant the Committee the rights it would be granted through the Amendment Stipulation or why, if it exceeds the scope of the Standing Stipulation, that scope should be expanded.

What has changed is the existence of a dispute regarding privileges that apply to ABG's files, and whether or not the Committee (or even the Trustee)

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

CONT... Rajysan, Inc.

Chapter 11

is entitled to access to those files. This makes it difficult to accept the position taken in the Response that the Amendment Stipulation is merely a resolution "between the Estate's representatives" as to who controls the Debtor's privileges. (Amendment Stipulation, 5:5-7).

The court also notes that the Standing Stipulation was entered into by the Debtor, the Committee, and the Insider Defendants individually. To the extent the Committee and the Trustee (as successor to the Debtor) seek, by the Amendment Stipulation, to "ratif[y] and amend[]" the Standing Stipulation, they fail to explain how they may do so without the agreement of all parties to the Standing Stipulation.

To the extent the Amendment Stipulation merely "resolves the issue between the Estate's representatives (the Trustee and the Committee) of whether the Trustee alone controls the Debtor's privileges," as they insist in the Response (Response, 5:5-13), the Committee and the Trustee fail to explain this purported dispute or why the court should endorse this resolution of that dispute.

Despite the arguments in response, the Amendment Stipulation also clearly goes beyond merely resolving an issue between the Committee and the Debtor. The Amendment Stipulation states that "the Committee has the authority and power to access, copy, obtain, receive, possess, and otherwise control ... the information subpoenaed from Alpert Barr by the Committee." The Insider Defendants take the position that not even the Trustee has such broad authority and power, and therefore would not agree that the Trustee could stipulate to confer such authority and power on the Committee.

This does not appear to be an issue appropriate for resolution by stipulation. Perhaps there is some clarification of the Standing Stipulation that may be warranted, but the Committee and the Trustee do not adequately articulate why it would be appropriate for the court to approve the Amendment Stipulation.

Party Information

Debtor(s):

Rajysan, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

CONT... Rajysan, Inc.

Chapter 11

Andrew Goodman

Trustee(s):

Sandra McBeth (TR)

Represented By
Timothy J Yoo
Adam D Grant
Todd M Arnold
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-10808 Youngblood Skin Care Products, LLC

Chapter 11

#3.10 HearingRE: [73] Motion For Sale of Property of the Estate under Section 363(b) - No Fee Debtor's Notice Of Motion And Motion For An Order (1) Authorizing Bidding Procedures For The Sale Of Estate Property; (2) Approving The Sale Of Property Under 11 U.S.C. § 363 Free And Clear Of Liens, Claims And Encumbrances, Subject To Higher And Better Offers; And (3) Authorizing Assumption And Assignment Of Executory Contracts Under 11 U.S.C. § 365

Docket 73

Tentative Ruling:

There are some elements in this motion beyond sale procedures, and more like matters to be addressed in a sale motion (like findings under 363(f) and (m)).

Based on the dates in the motion, there isn't much time for sale approval. What is the proposed auction date? Does the debtor intend to ask for the sale motion to be heard on shortened time?

The break-up fee is really the "break-up fee" plus the expense reimbursement amount, so it's \$30,000. That makes the initial overbid amount rather high. Please be prepared to address why this is appropriate under the case law and circumstances.

Party Information

Debtor(s):

Youngblood Skin Care Products,

Represented By
Dean G Rallis Jr

Trustee(s):

Andrew W. Levin (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-11117 Jonathan Alan Stein

Chapter 11

#4.00 CONT'D Hearing
RE: [33] Motion to Dismiss Case for Abuse and Notice of Motion (BNC) with
Proof of Service (Manasserian, Armen)

FR. 1-11-22

Docket 33

Tentative Ruling:

The motion was not served on all creditors, as required by FRBP 2002(a)(4).

The court understands the movant's frustration, but establishing cause for dismissal is challenging at such an early stage of a chapter 11 case.

What is the US Trustee's position here? Is the debtor in compliance with its obligations?

Why dismissal and not conversion, or appointment of a trustee?

Party Information

Debtor(s):

Jonathan Alan Stein

Represented By
David B Golubchik
Jeffrey S Kwong

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-11117 Jonathan Alan Stein

Chapter 11

#5.00 CONT'D Hearing
RE: [21] Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Southern District of Iowa.) (Manasserian, Armen)

FR. 1-11-22

Docket 21

Tentative Ruling:

The standard in motions for relief from stay to continue non-bankruptcy litigation is set forth in the *Curtis* case. The movant states that it is analyzing the *Curtis* factors, which directly relate to cause to allow nonbankruptcy litigation to continue, but then analyzes permissive abstention factors under *Christensen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162, 1167 (9th Cir.1990).

In the reply, the movant improperly raises a new argument on derivative standing, outlines factors, and then fails to do a convincing job of explaining how the factors apply. Even assuming that the movant properly asked for derivative standing, the movant has not shown that it: (1) made a demand on the Debtor to act; (2) that the Debtor refused to act; or (3) that the Debtor's inaction was an abuse of discretion. The reply simply says that the Debtor probably won't act and that any inaction, which cannot be proven yet as this case is only two months old, would be an abuse of discretion.

The movant has simply not met its burden to show "cause" under the *Curtis* factors because they have not applied the correct ones.

Deny without prejudice.

Party Information

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

CONT... Jonathan Alan Stein

Chapter 11

Debtor(s):

Jonathan Alan Stein

Represented By

M. Jonathan Hayes

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-11117 Jonathan Alan Stein

Chapter 11

#6.00 CONT'D Hearing
RE: [22] Notice of motion and motion for relief from automatic stay with
supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE:
California Court of Appeal.) (Manasserian, Armen)

FR. 1-11-22

Docket 22

Tentative Ruling:

Grant, effective 90 days after entry of the order to allow the Debtor time to
retain counsel and get court approval.

Party Information

Debtor(s):

Jonathan Alan Stein

Represented By
M. Jonathan Hayes

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-11117 Jonathan Alan Stein

Chapter 11

**#6.10 CONT'D Hearing
Chapter 11 Status Conference**

fr. 1-11-21

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan Alan Stein

Represented By
M. Jonathan Hayes

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:19-11766 Joshua Michael Luster

Chapter 7

Adv#: 9:20-01015 Atkinson v. Luster et al

#7.00 CONTD. Status Hearing
RE: [1] Adversary case 9:20-ap-01015. Complaint by Dora Atkinson against Joshua Michael Luster, Katherine Michelle Luster, Luster Construction, Hudson Insurance Company, Gary Luster, and DOES 1-10. willful and malicious injury)), (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Kwasigroch, Michael)
FR. 4-13-20, 5-18-20, 8-25-20, 10-13-20, 4-14-21, 4-27-21, 9-20-21

AND

Status Hearing

RE: [6] Counterclaim by Joshua Michael Luster, Katherine Michelle Luster against Michael Kwasigroch, Dora Atkinson (Faucher, John)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Michael Luster

Represented By
John D Faucher

Defendant(s):

Joshua Michael Luster

Represented By
John D Faucher

Katherine Michelle Luster

Represented By
John D Faucher

Luster Construction Services Corp.

Pro Se

DOES 1-10

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

CONT... Joshua Michael Luster

Chapter 7

Joint Debtor(s):

Katherine Michelle Luster

Represented By
John D Faucher

Plaintiff(s):

Dora Atkinson

Represented By
Michael D Kwasigroch

Trustee(s):

Jeremy W. Faith (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-10148 George Edward Beesley, Jr.

Chapter 7

Adv#: 9:21-01016 Beesley, Jr. v. BSM Financial, L.P.

#8.00 CONT'D Status Hearing
RE: [1] Adversary case 9:21-ap-01016. Complaint by George Edward Beesley Jr. against BSM Financial, L.P.. (\$350.00 Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)), (91 (Declaratory judgment)) (Winfield, William)

FR. 12-7-21

Docket 1

***** VACATED *** REASON: Another Summons issued on 12/17/21.
Status Hearing to be held on 2/22/22 at 11:30 AM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Edward Beesley Jr.

Represented By
William E. Winfield

Defendant(s):

BSM Financial, L.P.

Pro Se

Plaintiff(s):

George Edward Beesley Jr.

Represented By
William E. Winfield

Trustee(s):

Sandra McBeth (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-10256 Kenneth Leigh Gould

Chapter 7

Adv#: 9:21-01020 Keith E. Williams, D.D.S., Inc. v. Gould

#9.00 CONT'D Status Hearing
RE: [1] Adversary case 9:21-ap-01020. Complaint by Keith E. Williams, D.D.S., Inc. against Kenneth Leigh Gould. fraud as fiduciary, embezzlement, larceny)), (68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Bovitz, J)

FR. 8-31-21, 10-26-21

Docket 1

Tentative Ruling:

May 12 and May 26 are available. If one of those dates is acceptable to all, please notify chambers and appearances will be waived for January 18.

Party Information

Debtor(s):

Kenneth Leigh Gould

Represented By
Chris Gautschi

Defendant(s):

Kenneth Leigh Gould

Represented By
Chris Gautschi

Plaintiff(s):

Keith E. Williams, D.D.S., Inc.

Represented By
J Scott Bovitz

Trustee(s):

Jerry Namba (TR)

Represented By
Timothy J Yoo
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:21-10634 Cinema Square, LLC

Chapter 11

Adv#: 9:21-01029 Cinema Square, LLC v. Galaxy Theatres Atascadero, LLC

#10.00 CONT'D Status Hearing
RE: [1] Adversary case 9:21-ap-01029. Complaint by Galaxy Theatres Atascadero, LLC against Galaxy Theatres Atascadero, LLC. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Summons) Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Horowitz, Carissa)

FR. 11-16-21

Docket 1

***** VACATED *** REASON: Stipulated order entered on 1-10-22.
Hearing continued to July 12, 2022 at 11:30am.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cinema Square, LLC

Represented By
William C Beall
Carissa N Horowitz

Defendant(s):

Galaxy Theatres Atascadero, LLC

Represented By
Hamid R Rafatjoo

Plaintiff(s):

Cinema Square, LLC

Represented By
Carissa N Horowitz
William C Beall

**United States Bankruptcy Court
Central District of California
Northern Division
Judge Deborah Saltzman, Presiding
Courtroom 201 Calendar**

Tuesday, January 18, 2022

Hearing Room 201

11:30 AM

9:20-10967 Manuel Gonzalez

Chapter 7

Adv#: 9:20-01057 Casiraghi v. Gonzalez

#11.00 Hearing
RE: [23] Motion for attorney fees after default judgment and proof of service

Docket 23

***** VACATED *** REASON: Continued to February 15, 2022 at 11:30am**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Gonzalez

Represented By
Todd J Mannis

Defendant(s):

Manuel Gonzalez

Pro Se

Plaintiff(s):

Valentina Casiraghi

Represented By
Michael D Kwasigroch

Trustee(s):

Jeremy W. Faith (TR)

Pro Se